



OFFICE OF THE CITY ATTORNEY

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March 22, 2007
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EXHIBIT 6
DATE 3/27/07
SB 486

Chair Rice and Honorable Members of the House Judiciary Committee:

On behalf of the City of Missoula I am asking you to please vote Do Pass on Senate Bill 486 to add the words "or purposely or knowingly causes reasonable apprehension of serious bodily injury in another" to Montana's aggravated assault statute.

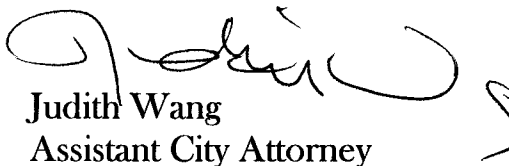
This bill is needed to allow prosecutors to handle cases where serious bodily injury is threatened but due to luck or fast reaction the victim does not suffer serious bodily injury.

The amendment to the aggravated assault statue will clarify the law that causing a person to suffer a reasonable apprehension of serious bodily injury is an aggravated assault. S. B. 486 will correct the aggravated assault statute so it is consistent with the other assault statutes under Montana law. S. B. 486 will allow law enforcement to investigate cases where serious bodily injury is only narrowly averted as an aggravated assault.

We also ask that you reinstate the minimum penalties for the offenses that are defined as an aggravated assault.

Please vote Do Pass on Senate Bill 486 with an amendment to reinstate minimum penalties.

Sincerely,


Judith Wang
Assistant City Attorney



CITY OF MISSOULA POLICE DEPARTMENT

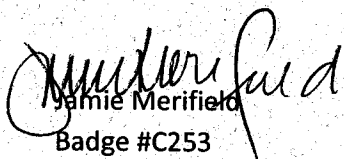
"Professionalism With Pride"

March 19, 2007

Madam Chair and Members of the House Judiciary Committee:

I am writing this letter in support of Senate Bill 486. I am a detective with the Missoula Police Department specializing in partner assault investigations. I recently completed an investigation where a male was charged with attempted deliberate homicide against his ex-girlfriend. Due to the limitations of the current aggravated assault law, this was the only other charge we were left with as the suspect didn't have a weapon and attempted to strangle the victim. While I still feel that this was an appropriately charged case, it is my belief that charging someone with attempted deliberate homicide can and will make for a terrific burden of proof for the prosecution. It requires that the prosecutor prove intent. Without an actual statement from the suspect that corroborates their intent along with their actions, attempted deliberate homicide is extremely difficult to prove. That being said, I think Senate Bill 486 would have provided us an excellent charging option as we certainly could've shown that the victim felt reasonable apprehension of bodily harm. This was an extremely difficult investigation and trial that ended with the suspect only being convicted of a misdemeanor. Was justice done for a victim who felt strongly that she wouldn't survive her attack? I think not. I was witness to the pain that the victim went through during the entire ordeal. It is a case that has affected me as a law enforcement professional and a person.

I respectfully request your support of Senate Bill 486 as I feel it would be a valuable tool that would allow law enforcement to better serve and protect the citizens of Montana.


Jamie Merifield
Badge #C253

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